



PROGRAM ANNOUNCEMENT

The Advocacy Institute Is Pleased to Present

2019 BASIC PROSECUTORS' COURSE: DAY 1

September 23, 2019

8:30 a.m. to 3:00 p.m.*

**Richard J. Hughes Justice Complex
Fourth Floor Conference Center Room A
25 Market Street
Trenton, New Jersey 08625**

***Registration will be from 8:30 a.m. to 9:00 a.m.**

NOTICE REGARDING COURSE MATERIALS

You will receive the course materials approximately forty-eight (48) hours prior to the date of the course. The materials will be contained in an email attachment.

Program Summary

The Basic Prosecutors' Course is an integrated curriculum designed for new assistant prosecutors and Division of Criminal Justice deputy attorneys general. The course includes four days of seminars and a skills-based trial advocacy program. Topics covered on day 1 are Criminal Code Issues, Motion Practice, Jury Selection and Plea Negotiation.

Who Should Attend?

This program is for new assistant prosecutors and Division of Criminal Justice deputies who have been selected to attend by each county prosecutor's office and the Division of Criminal Justice.

Who Is the Faculty?

Please see the attached schedule.

CLE Credit

NJ CLE Credit: This program has been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 5.1 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism, 5.1 qualify as hours of credit toward certification in criminal trial law and 5.1 qualify as hours of credit towards newly admitted lawyers' requirements/criminal trial preparation.

NY CLE Credit: 5.0 substantive credits (pursuant to the approved jurisdiction policy).

PA CLE Credit: 4.0 substantive credits (\$6.00 mandatory registration fee required).

LIST OF COURSES AND PRESENTERS

8:30 a.m. – 9:00 a.m. Student Registration

9:00 a.m. – 9:15 a.m. Opening Remarks
 Attorney General Advocacy Institute Director Margaret A. Cotoia

CRIMINAL CODE ISSUES (9:15 a.m. – 10:15 a.m.)

This interactive seminar will teach students how to analyze cases at the investigatory stage, the charging stage, and the trial stage. Students will learn both how to spot issues and the proper method for dealing with them. Students will be given hypotheticals with changing fact patterns to expand their ability to analyze cases. The program will also feature real life examples from the presenter's over thirty years of experience as a prosecutor.

Assistant Prosecutor Robert Hawkes serves as a senior trial attorney in the Somerset County Prosecutor's Office Litigation Unit, handling a variety of cases. He also oversees the Asset Forfeiture and the Case Screening Units and is the Deputy Legal Advisor to the Major Crimes Unit. In his 21 years at the Somerset County Prosecutor's Office, Bob has also served as the Legal Advisor to the Office's Organized Crime and Narcotics Task Force. Bob previously served eleven years with the New York County District Attorney's Office, concluding his service there as a Deputy Bureau Chief in one of the Narcotics Unit's Trial Divisions. Bob is a faculty member of the Attorney General's Advocacy Institute and a lecturer for the New Jersey State Police Academy and the Somerset County Police Academy.

10:15 a.m. – 10:30 a.m. Break

MOTION PRACTICE (10:30 a.m. – 11:30 a.m.)

This course will cover an array of issues relating to pretrial motion practice in criminal matters. Subjects will include: common pretrial motions; motions *in limine*; the conduct of a pretrial hearing on motions filed before trial, how to make offers of proof as well as commonly made mistakes in pretrial hearings and relevant legal precedents relating to motion practice and important Court and Evidence Rules.

Kelly A. Testa Kelly A. Testa is the Section Chief of the Camden County Prosecutor's Office Special Victims Unit, where she leads investigations involving crimes against children in Camden County. The unit handles crimes involving sexual and physical abuse and locates missing and runaway children. She was previously the head of the Trial Team and High-Tech Crimes Units. Since joining the Camden County Prosecutor's Office in 2001, Kelly has served in the Homicide, Shoot Response Team, Narcotics, Major Crimes, Domestic Violence, Motions, Juvenile, and Trial Team Units. Over her career, she has tried homicide, sexual assault, child abuse, child pornography, narcotics, aggravated assault, and weapons offenses cases. In 2014, she ran a wiretap investigation which led to the arrest of 40 people, including a police officer who was convicted after trial. She is also a legal advisor to police departments in Camden County. Kelly received a Bachelor's Degree in English and History from Rutgers College, Rutgers University in New Brunswick and her Juris Doctor from Rutgers University School of Law – Camden.

11:30 a.m. -12:30 p.m. Lunch (on your own)

JURY SELECTION (12:30 p.m. – 1:45 p.m.)

Selecting a jury is of the utmost importance. This presentation will offer practical guidance on how to effectively choose a jury, as well as examine ethical problems and considerations in jury selection. Among the topics addressed are the impact of social media in jury selection, crafting questions with a purpose, the importance of organization, and the use of challenges.

Assistant Prosecutor John McNamara, Jr. is a Supervising Assistant Prosecutor with the Office of the Morris County Prosecutor. He served as Chief of the Major Crimes Unit as the supervising attorney for approximately 12 years until being named the Supervising Assistant Prosecutor for the Professional Standards Unit in 2014. Assistant Prosecutor McNamara has prosecuted numerous homicide cases on behalf of the Morris County Prosecutor's Office, including capital cases before the abolition of the penalty in 2007. He also served as a Special Deputy Attorney General in the contested proceeding before the N.J. Supreme Court-appointed Special Master examining whether New Jersey should modify the standards for admissibility for eyewitness identification testimony. Assistant Prosecutor McNamara initially joined the Morris County Prosecutor's Office in 1996 under Prosecutor John B. Dangler. He served in this capacity until September of 1998, when he briefly left the office for private practice. He was re-hired as an Assistant Prosecutor in February of 2000 by Prosecutor Dangler. Prior to working for the Morris

County Prosecutor's Office, Assistant Prosecutor McNamara worked for Robert M. Morgenthau as an Assistant District Attorney for New York County. In 1992, he was appointed to the Homicide Bureau, where he prosecuted homicide cases.

Assistant Prosecutor McNamara is currently serving his fourth term as a member of the New Jersey

Supreme Court Committee on Model Criminal Jury Charges. He is a member of the bar of the State of New Jersey, the State of New York, the Supreme Court of the United States, and the United States Court of Appeals for the Third Circuit. He holds a B.A. and M.A. in History from the University of Scranton. He graduated from the Catholic University of America Columbus School of Law in 1989 and served as a judicial clerk to the Hon. Donald G. Collester, Jr., J.A.D.

1:45 p.m. – 2:00 p.m. Break

PLEA NEGOTIATION (2:00 p.m. – 3:00 p.m.)

This lecture will address the legal obligations of prosecutors in plea negotiations. Subjects include initial considerations at the start of plea discussions; relevant RPCs; dealing with unrepresented individuals; considerations with cooperating witnesses, and the importance of candor with the tribunal and adversaries.

Cassandra Montalto is a Deputy Attorney General with the New Jersey Division of Criminal Justice Gangs and Organized Crime Bureau. She has prosecuted and tried cases involving racketeering, the distribution of controlled dangerous substances, weapons offenses, human trafficking, and the smuggling of contraband into correctional facilities. She has also prosecuted cases involving large-scale wiretap investigations, including Operation Orale, Operation Pitchfork, Operation State Property, and Operation Family Affair. DAG Montalto received her Bachelor's Degree in Psychology from Muhlenberg College and her law degree from Rutgers Law School Newark.